

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: NATIONAL FOOTBALL  
LEAGUE PLAYERS' CONCUSSION  
INJURY LITIGATION

No. 12-md-2323 (AB)

MDL No. 2323

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**THIS DOCUMENT RELATES TO:**

**Plaintiffs' Master Administrative Long-  
Form Complaint and (if applicable)  
Derek Russell v. National Football  
League [et al.],**

**No. 13-cv-05767-AB**

**SHORT FORM COMPLAINT**

**IN RE: NATIONAL FOOTBALL  
LEAGUE PLAYERS' CONCUSSION  
INJURY LITIGATION**

**JURY TRIAL DEMANDED**

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**SHORT FORM COMPLAINT**

1. Plaintiff, DEREK RUSSELL brings this civil action as a related action in the matter entitled IN RE: NATIONAL FOOTBALL LEAGUE PLAYERS' CONCUSSION INJURY LITIGATION, MDL NO. 2323.

2. Plaintiff is filing this short form complaint as required by this Court's Case Management Order No. 2, filed April 26, 2012.

3. Plaintiff incorporates by reference the allegations (as designated below) of the Master Administrative Long-Form Complaint, as may be amended, as if fully set forth at length in this Short Form Complaint.

4. NOT APPLICABLE.

5. Plaintiff, DEREK RUSSELL is a resident and citizen of Lowell, Arkansas and claims damages as set forth below.

6. NOT APPLICABLE.

7. On information and belief, the Plaintiff sustained repetitive, traumatic sub-concussive and/or concussive head impacts during NFL games and/or practices. On information and belief, Plaintiff suffers from symptoms of brain injury caused by the repetitive, traumatic sub-concussive and/or concussive head impacts the Plaintiff sustained during NFL games and/or practices. On information and belief, the Plaintiff's symptoms arise from injuries that are latent and have developed and continue to develop over time.

8. The original complaint by Plaintiff in this matter was filed in the United States District Court for the Southern District of Florida. If the case is remanded, it should be remanded to the United States District Court for the Southern District of Florida.

9. Plaintiff claims damages as a result of [check all that apply]:

- ☒ Injury to herself/himself.
- ☒ Injury to the Person Represented
- ☐ Wrongful Death
- ☐ Survivorship Action
- ☒ Economic Loss
- ☐ Loss of Services
- ☐ Loss of Consortium

10. NOT APPLICABLE.

11. Plaintiff reserves the right to object to federal jurisdiction.

12. Plaintiff brings this case against the following Defendants in this action [check all that apply]:

- ☒ National Football League
- ☒ NFL Properties, LLC.
- ☐ Riddell, Inc.
- ☐ All American Sports, Inc. (d/b/a Riddell Sports Group, Inc.)
- ☐ Riddell Sports Group, Inc.
- ☐ Easton-Bell Sports, Inc.
- ☐ Easton-Bell Sports, LLC.
- ☐ EB Sports Corporation

\_\_\_\_\_RBG Holdings Corporation

13. [Check where applicable] As to each of the Riddell Defendants referenced above, the claims asserted are: \_\_\_\_\_ design defect; \_\_\_\_\_ informational defect; \_\_\_\_\_ manufacturing defect.

14. [Check where applicable] \_\_\_\_\_ The Plaintiff wore on or more helmets designed and/or manufactured by the Riddell Defendants during one or more years Plaintiff (or decedent) played in the NFL and/or AFL.

15. Plaintiff, DEREK RUSSELL played in the National Football League during 1991-1997 for the following teams: Denver Broncos and Houston/Tennessee Oilers.

### **CAUSES OF ACTION**

16. Plaintiff herein adopts by reference the following Counts of the Master Administrative Long-Form Complaint, along with the factual allegations incorporated by reference in those Counts [check all that apply]:

- |                                     |  |
|-------------------------------------|--|
| <input checked="" type="checkbox"/> | Count I (Action for Declaratory Relief-Liability (Against the NFL))              |
| <input checked="" type="checkbox"/> | Count II ( Medical Monitoring (Against the NFL))                                 |
| <input type="checkbox"/>            | Count III (Wrongful Death and Survival Actions (Against the NFL))                |
| <input checked="" type="checkbox"/> | Count IV (Fraudulent Concealment (Against the NFL))                              |
| <input checked="" type="checkbox"/> | Count V (Fraud (Against the NFL))  |
| <input checked="" type="checkbox"/> | Count VI (Negligence Misrepresentation (Against the NFL))                        |
| <input type="checkbox"/>            | Count VII (Negligence Pre-1968 (Against the NFL))                                |
| <input checked="" type="checkbox"/> | Count VIII (Negligence Post 1968 (Against the NFL))                              |
| <input checked="" type="checkbox"/> | Count IX (Negligence 1987-1993 (Against the NFL))                                |
| <input checked="" type="checkbox"/> | Count X (Negligence Post 1994 (Against the NFL))                                 |
| <input type="checkbox"/>            | Count XI (Loss of Consortium (Against the NFL and Riddell)                       |
| <input checked="" type="checkbox"/> | Count XII (Negligent Hiring (Against the NFL))                                   |
| <input checked="" type="checkbox"/> | Count XIII (Negligent Retention (Against the NFL))                               |
| <input type="checkbox"/>            | Count XIV (Strict Liability for Design Defect (Against Riddell Defendants)       |
| <input type="checkbox"/>            | Count XV (Strict Liability for Manufacturing Defect (Against Riddell Defendants) |
| <input type="checkbox"/>            | Count XVI (Failure to warn (Against Riddell Defendants)                          |
| <input type="checkbox"/>            | Count XVII (Negligence (Against Riddell Defendants)                              |

- X Count XVII (Civil Conspiracy/Fraudulent Concealment (Against NFL Defendants))

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for judgment as follows:

- A. An award of compensatory damages, the amount of which will be determined at trial;
- B. Not applicable;
- C. For punitive and exemplary damages as applicable;
- D. For all applicable statutory damages of the state whose laws will govern this action;
- E. For medical monitoring, whether denominated as damages or in the form of equitable relief;
- F. For an award of attorneys' fees and costs;
- G. An award of prejudgment interest and costs of suit; and
- H. An award of such other and further relief as the Court deems just and proper.

**JURY DEMANDED**

Pursuant to Federal Rule of Civil Procedure 38, Plaintiff hereby demands a trial by jury.

Dated: October 24, 2013

Respectfully Submitted:

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